

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEFENDANT'S NOTICE OF REMOVAL OF ACTION

Defendant Charter Communications, Inc. (“Charter”), by and through its attorneys, hereby removes the above-titled action from the Lake County Court of Common Pleas, Case No. 18CV000870, to the United States District Court for the Northern District of Ohio, Eastern Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and states the following in support thereof:

1. Charter is the defendant in a civil action commenced by Plaintiff Anthony Domenic Reo (“Plaintiff”) on or about June 4, 2018, in the Court of Common Pleas of Lake County, Ohio, captioned: *Reo v. Charter Communications, Inc.*, No. 18CV000870 (the “State Court Action”). Pursuant to Sections 1441 and 1446 of Title 28 of the United States Code, Charter removes this case to the United States District Court for the Northern District of Ohio, Eastern Division, the Judicial District in which the State Court Action is pending.

2. Removal of this action is proper because the Complaint asserts a federal question cause of action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. Specifically, Plaintiff has asserted a claim for, *inter alia*, violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, a federal statute. (Compl. ¶¶ 1, 26–37.)

3. This Court also has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1337(a), because those claims arise out of a common nucleus of operative fact as Plaintiff’s TCPA claim and therefore constitute part of the same case or controversy.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because Plaintiff attempted to properly serve Charter with the Summons and Complaint in this action by Federal Express, which Charter received on June 8, 2018.

5. Venue is appropriate because the United States District Court for the Northern District of Ohio, Eastern Division is the Judicial District in which Plaintiff’s Lake County Court of Common Pleas action is pending.

6. As required by 28 U.S.C. § 1446, a copy of all process and pleadings in the State Court Action is attached hereto as “**Exhibit A**.”

7. Pursuant to 28 U.S.C. § 1446(d), a removal notice, together with a copy of the instant Notice of Removal, will be filed with the clerk of the Court of Common Pleas for Lake County, Ohio, and served on all counsel of record.

WHEREFORE, having provided notice as required by law, the above-entitled action should be removed from the Court of Common Pleas for Lake County, Ohio, to the United States District Court for the Northern District of Ohio.

Dated: July 5, 2018

Respectfully submitted,

/s/ Thomas M. Ritzert _____

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2018, a true and correct copy of the foregoing document was filed electronically in United States District Court for the Northern District of Ohio, with notice of same being electronically served by the CM/ECF system, to all attorneys of record. In addition, a copy of this *Notice* has been served via electronic mail and First Class U.S. Mail, postage prepaid, upon the following:

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/s/ Thomas M. Ritzert
Thomas M. Ritzert